

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FALON EVANS,)
)
Petitioner,)
)
v.) Nos. 1:13-CV-82-HSM
) 1:09-CR-98-HSM-CHS-11
UNITED STATES OF AMERICA,)
)
Respondent.)

MEMORANDUM AND ORDER

This is a pro se prisoner's motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255. On March 24, 2016, the Court denied the § 2255 motion and dismissed this action with prejudice [Docs. 769 and 770]. On August 22, 2016, Plaintiff filed a notice of appeal in which she asserts that she did not receive the Court's judgment denying and dismissing his § 2255 motion until August 10, 2016 [Doc. 784]. In support thereof, she attached a letter from an attorney dated August 10, 2016, stating that a copy of the memorandum and order and judgment in the case were enclosed per her request [*Id.* at 11]. Accordingly, the Sixth Circuit remanded the case to this Court for a determination of whether the notice of appeal and the attached letter should be treated as a motion to reopen the period of time for filing an appeal pursuant to Rule 4(a)(6) and, if appropriate, for a ruling thereon [Doc. 786].

As pro se filings are liberally construed, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), the Court finds that Petitioner's notice of appeal and the attached letter should be treated as a motion to reopen the period of time for filing an appeal pursuant to Rule 4(a)(6). For good cause set forth therein, this motion is **GRANTED** to the extent that Petitioner is deemed to have received

notice of the entry of judgment on August 10, 2016, thereby making her notice of appeal filed August 22, 2016 timely.

IT IS SO ORDERED.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE